



Application No.: 09/927,891

Docket No.: 59184/P002US/10026564

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jim Feeley et al.

Application No.: 09/927,891

Confirmation No.: 4788

Filed: August 10, 2001

Art Unit: 2643

For: A BTE/CIC AUDITORY DEVICE AND  
MODULAR CONNECTOR SYSTEM  
THEREFOR

Examiner: B. Ensey

**DECLARATION SUBMITTED PURSUANT TO 37 CFR § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, Jim Feeley and Mike Feeley, being of legal age and capacity, upon personal knowledge declare as follows:


1. We are the inventors of the invention claimed in the above-identified patent application and all statements contained herein are true and correct.
2. We conceived of the idea of a modular hearing device having a behind-the-ear (BTE) component including processing circuitry, a completely-in-canal (CIC) component adapted to touch the bony portion of the ear canal and including an ear mold, wherein the BTE and CIC components are detachably coupled by a connector element.
3. We further conceived of a method of providing hearing devices as described in paragraph (2) using a plurality of connectors adapted according to the needs of particular users.
4. We, in association with employees and other individuals otherwise engaged by Hear-Wear Technologies, LLC (assignee of the application), reduced the inventions (as

recited in the pending claims of the above-identified patent application) to practice before June 25, 2001.

5. Exhibit A is a drawing of a 5-piece module hearing device. A date is not shown in Exhibit A. However, the copy of the drawing provided herewith was created from an electronic file that includes date information encoded as metadata. The metadata date information shows a last modification date that is prior to June 25, 2001. It is noted that the drawing includes the legend "CLEAR-TONE HEARING AID LABORATORIES, INC.," which is an affiliated corporate entity of Hear-Wear Technologies, LLC.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11/24/04



(Jim Feeley)

Date: 11/24/04



(Mike Feeley)



Exhibit A

